

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

NO. 10-CR-320 (TJM)

JUL 01 2010

LAWRENCE K. BAERMAN, CLERK

THE PEOPLE OF NEW YORK
EX REL. Robert James Fox
on behalf of Ed George Parenteau

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FEDERAL DISTRICT COURT ALBANY

V

ALBANY COUNTY

ALBANY COUNTY SHERIFF
Jame Campbell

ALBANY, NEW YORK

**PETITION FOR GREAT WRIT
OF HABEAS CORPUS
AS PRESENTED BY AFFIDAVIT OF
Robert James: Fox**

STATE OF TEXAS

CASS COUNTY

I, Robert James: Fox, am a sovereign, sui juris, free white man, a follower of Yahshua the Messiah in the laws of The Almighty Supreme Creator, Yahvah first and foremost and the laws of man when they are not in conflict (Leviticus 18:3,4). Pursuant to Matthew 5:33-37 and James 5:12, let my yea be yea, and my nay be nay, as supported by your Federal Public Law 97-280, 96 Stat. 1211. I have personal knowledge of the matters stated herein, am over the age of majority, and hereby asseverate understanding the liabilities presented in your Briscoe v LaHue, 460 US 325.

I, Robert James: Fox, IN GOOD FAITH do hereby and herein petition this court for the Great Writ of Habeas Corpus, as a matter of right, as declared in your Constitution since Ed George Parenteau is unlawfully deprived of his liberty by ALBANY COUNTY Sheriff Jame Campbell upon the mere speculation of alleged criminal accusations since June 22, A.D.2010; Ed George Parenteau is not committed, imprisoned, detained, confined or restrained by virtue of the final

judgment or decree of any competent tribunal of civil or criminal jurisdiction, nor by virtue of an execution issued upon such judgment or decree, in this *sui generis* matter of substance over form.

PREVIEW

- A. FAILURE TO MEET 4TH & 5TH AMENDMENT REQUIREMENTS**
- B. OFFICERS OF THE COURT HAVE DENIED DUE PROCESS**
- C. ABSENT FEDERAL PREDICATE ACT THE CHARGES ARE VOID**
- D. OFFICERS OF THE COURT CONSPIRED TO COMMIT FELONIES**

1) Pursuant to equal footing doctrine and the Texas Code of Criminal Procedure Article 11.13 “The word ‘applicant’, as used in this chapter, refers to the person for whose relief the Writ is asked, though the petition may be signed and presented by any other person,” and Article 11.12 “Either the party for whose relief the Writ is intended, or any person for him, may present a petition to the proper authority for the purpose of obtaining relief.”

2) Pursuant to equal footing doctrine and the Texas Code of Criminal Procedure Article 11.15 the Writ of Habeas Corpus shall be granted without delay by the judge or court receiving the Petition; furthermore in this case failure to take action within seventy-two hours may be quite appropriately deemed a

DENIAL BY DERELICTION OF DUTY.

3) Pursuant to equal footing doctrine and the Texas Code of Criminal Procedure Article 11.43 no presumption of guilt arises from the mere fact that a criminal accusation has been made before a competent authority.

4) Pursuant to equal footing doctrine and the Texas Code of Criminal Procedure Article 11.24, Ed George Parenteau is entitled to the Writ of Habeas Corpus since there was not sufficient cause for requiring incarceration instead of bail and/or the bail required is excessive in this sui generis case.

5) As a matter of law, BOND is ONLY to secure appearance and for NO OTHER PURPOSE, despite the potential for DISCRIMINATION, RETALIATION, SUMMARY PRE-TRIAL PUNISHMENT, AND/OR FINANCIAL DEVASTATION TO IMPAIR LEGITIMATE DEFENSES, wherefore an OFFER OF PROOF is hereby made that witnesses, evidence and testimony can establish that Ed George Parenteau is entitled to a personal recognizance bond, IF the alleged Indictment and the charges themselves are not quashed instantly, ab initio!!

6) Government of the Virgin Islands v. Gereau, 523 F.2d 140 (1975) *cannot assume facts not in evidence, even if judge believes facts to be accurate*

however in this case, at the initial appearance,

absent testimony

Ed George Parenteau was summarily deprived of his liberty!!!

7) Pursuant to equal footing doctrine and the Texas Code of Criminal Procedure Article 11.40 the judge or court before whom a person is brought by Writ of Habeas Corpus shall examine the Writ and the papers attached to it; and if no legal cause be shown for the imprisonment or restraint, or if it appear that the imprisonment or restraint though at first legal, cannot for any cause be lawfully prolonged,

the victim shall be discharged.

**IGNORANCE OF THE LAW
IS NO EXCUSE**

8) Habeas corpus is necessary to address the issues including but not limited to the following:

**AGGRAVATED KIDNAPPING
& INVOLUNTARY SERVITUDE
UNDER COLOR OF LAW
BY DENIAL OF DUE PROCESS**

9) Absent the required and predicate *mens rea*, and *actus reus*, also absent the required arrest warrant, Ed George Parenteau is **DENIED DUE PROCESS OF LAW, UNLAWFULLY INCARCERATED, AND HELD IN INVOLUNTARY SERVITUDE PRIOR TO TRIAL** considering that acting as a revenue enhancement terrorist under color of law, totally absent reasonable belief sufficient to rise above mere, unwarranted suspicion, the paramilitary attack officers of the court, failed and neglected to meet the requirements of the 1st, 4th, 5th, 9th, and 14th Amendments to the Constitution for the United States of America; indeed, it appears that the only lawful evidence before the court is that the parasitic, predatory, non-productive government armed thug who instigated this event has created a FELONY breach of fiduciary duty pursuant to the oath he is required to have taken and furthermore is acting in collusion with others in a clever scheme to overthrow the Constitution for the United States of America in the nature of sedition and TREASON as evidenced by a charge that allegedly substitutes for the presumption of innocence and summarily does away with any and all right to 1st Amendment Redress of Grievance!!! The 4th Amendment was written to quell summary incarcerations, so where was the Fourth Amendment warrant and affidavit for the seizure of Ed George Parenteau, when absent County authority, Ed George Parenteau at the peril of his very life, submitted to the armed attack of June 22, 2010??

10) Absent just compensation, via felony breach of fiduciary duty, Ed George Parenteau's has been deemed and treated as trust property, as his private property fingerprints and photographs have been demanded by force of arms and imminent threat of physical

violence, Ed George Parenteau's rights and due process have been violated and Ed George Parenteau is unlawfully held, raising the question, "What statute is it that you rely upon for summary pre-trial punishment in lieu of due process?"

11) Absent proper natural health care, Ed George Parenteau's health is summarily jeopardized and his very life is endangered, his rights and due process have been violated and he is unlawfully held.

12) Absent Probable Cause Evidentiary Hearing/Examining Trial within 48 hours pursuant to Riverside v. McLaughlin, 500 U.S. 44, Ed George Parenteau's rights to assistance of counsel and due process have been violated and he is unlawfully held to involuntary servitude by means of legal coercion as per United States vs Kozminski, 488 US 931 (1988), NO 86-2000, decided June 29, 1988. "Held for purposes of criminal prosecution under §241 or §1584, the term, "involuntary servitude" necessarily means a condition of servitude in which the victim is forced to work for defendant by use or threat of physical restraint or physical injury or by use or threat of coercion through the law or the legal process. This definition encompasses cases in which the defendant holds the victim in servitude by placing him or her in such fear of physical restraint or injury or legal coercion".

13) Absent Due Process Notice and Opportunity to challenge the jury wheel and address the Grand Jury to present the exculpatory evidence that has been withheld from the Grand Jury, Ed George Parenteau's rights and due process have been violated and he is unlawfully held.

14) Once due process is denied **ALL** jurisdiction ceases as per your very own 5 USC §§556(d), 557, 706 wherefore any alleged jurisdiction has already been voided by the denial of due process witnessed, documented, and evidenced by the back stabbing lack of proper probable cause hearing, and overwhelming litany of abuse **Ed George Parenteau HAS ALREADY SUFFERED WHEREFORE Ed George Parenteau MUST BE RELEASED FORTHWITH!!**

CAVEAT

15) "If you are determined to execute a man in any case, there is no occasion for a trial; the world yields no respect to courts that are merely organized to convict."

Robert H. Jackson, United States Prosecutor at Nuremberg

16) "An avidity to punish is always dangerous to liberty. It leads men to stretch, to misinterpret, and to misapply even the best of laws. He that would make his own liberty secure must guard even his enemy from oppression; for if he violates this duty he establishes a precedent that will reach to himself." Thomas Paine

17) CONSIDER WITH EXTREME CAUTION THE WORD OF OUR HEAVENLY FATHER SINCE THERE IS NO ESCAPE WHATSOEVER FROM HIS LAW AND JUDGMENT:

18) "When the righteous are in authority, the people rejoice; but when the wicked beareth rule, the people mourn." Proverbs 29:2

19) "Shall the throne of iniquity have fellowship with thee, which frameth mischief by a law?" Psalm 94:20

20) "And said to the judges, Take heed what ye do: for ye judge not for man, but for Yahvah who is with you in the judgment. Wherefore now let the fear of Yahvah be upon you, take heed and do it: for there is no iniquity with Yahvah our Eloheim, nor respect of persons, nor taking of gifts." II Chronicles 19:6 & 7.

CONCLUSION

21) THIS UNABATED ABUSE GREATLY SHOCKS THE CONSCIENCE, IT IS EXTREMELY UNREASONABLE, AND IT ABSOLUTELY UNDERMINES PUBLIC CONFIDENCE IN THE JUSTICE SYSTEM!!!

22) Ed George Parenteau is not a danger to himself nor to the society at large and any further restraint of liberty would be a crime against the people of this state and a dire threat to their freedom.

23) This is my first application for a Writ of Habeas Corpus and no application for a Writ of Habeas Corpus has previously been made by me in relation to this case.

24) It is readily apparent that unregistered foreign agents assume they can arbitrarily and capriciously determine the value of another living soul's time, however, when the matter involves Ed George Parenteau, the unregistered foreign agents have no concept of what the actual value is; indeed, all the resources of all the unregistered foreign agents in ALBANY COUNTY could not purchase a single nanosecond from Our Heavenly Father, wherefore they need to reconsider their actions and make restitution.

25) Unregistered foreign agent employees may have excuses such as, "We have always done it like this" OR "I am only doing what I was told to do", an excuse which failed to work very well at the Nuremberg Trials. The seriousness of the matter is best stated in the Bible. The Bible is the "WORD OF GOD" as per Federal Public Law 97-280, 96 Stat. 1211, so according to the "WORD OF GOD" Ed George Parenteau suffered an Exodus 21:16 MANSTEALING EVENT and the punishment is DEATH!! Judge Edith Jones of the U.S. Court of Appeals for the Fifth Circuit, told the Federalist Society of

the Harvard Law School on February 28, 2003 “The first 100 years of American lawyers were trained on Blackstone, who wrote that: ‘The law of nature dictated by God himself is binding in all counties and at all times; no human laws are of any validity if contrary to this; and such of them as are valid derive all force and all their authority from this original.’ The Framers created a government of limited power with this understanding of the rule of law – that it was dependent on transcendent religious obligation.” The Gideon Society assures us of DUE PROCESS, PUBLIC NOTICE and OPPORTUNITY, furthermore those involved in the MANSTEALING are trained, educated, paid and sworn to know the law. Wherefore I see no excuse for the unlawful conduct and I require the names, job descriptions, bond information, the underwriters’ address and subpoena addresses of each and every participant from policy maker and police (policy enforcers) to jailers. Notice that the tuberculosis and staphylococcus aureus epidemics arising from the prisons and jails makes it plain and clear that the environment is a reckless endangerment to life in the nature of attempted murder.

26) Is the “WORD OF GOD” adequate for unregistered foreign agent employees OR would the employees make a public declaration that they know better than GOD ALMIGHTY!!?? Forgiveness may be available where there is repentance, wherefore I am praying for the unregistered foreign agent employees because God’s Law is just like gravity, it works whether you believe in it or not!!

27) According to the Declaration of Independence, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of happiness. That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed.”

28) However, the unregistered foreign agent employees are incompetent to act as a governmental authority, because they obviously do not understand that the purpose of government is to secure the rights of men rather than to negate them.

RELIEF AND REMEDY DEMANDED

29) Wherefore, your petitioner demands that a Writ of Habeas Corpus be granted instanter and issued to inquire into the restraint upon the liberty of Ed George Parenteau, the Writ being directed to the said Jame Campbell, ALBANY COUNTY Sheriff, commanding him to bring any and all evidence and documentation before the Court at the time and place therein to be specified, to provide a written answer with return thereof as to why the said Ed George Parenteau is restrained of liberty and should not be released; to the end that upon said execution of said Writ that the complete discharge from custody will be effected and the said Ed George Parenteau may be properly restored to his liberty.

30) Sanctions for any party responsible for unnecessary delay in hearing this matter and furthermore, time and costs related to this action, pursuant to equal footing doctrine and Texas Code of Criminal Procedure Article 11.50, at the rate customary for a licensed attorney since a workman is worthy of his hire.

31) The return of any and all fingerprints, photographs, and information sheets and/or data storage to expunge the record of this travesty, and 100 dollars U.S. per fingerprint card, photograph, or information sheet, per party, per day until ALL are returned.

32) Return of any and all property seized absent valid Fourth Amendment warrant and affidavit in existence at the time of the perfidious attack by force of arms.

33) I am not an expert in the law however I do know right from wrong. If there is any human being damaged by any statements herein, if he will inform me by facts I will sincerely make every effort to amend my ways. I hereby and herein reserve the right to amend and make amendment to this document as necessary in order that the truth may be ascertained and proceedings justly determined. If the parties given notice by means of this document have information that would controvert and overcome this Affidavit, please advise me IN WRITTEN AFFIDAVIT FORM within thirty (30) days from receipt hereof providing me with your counteraffidavit, proving with particularly by stating all requisite actual evidentiary fact and all requisite actual law, and not merely the ultimate facts or conclusions of law, that this Affidavit Statement is substantially and materially false sufficiently to change materially my status and factual declarations. Your silence stands as consent to, and tacit approval of, the factual declarations herein being established as fact as a matter of law. May the will of our Heavenly Father Yahvah, through the power and authority of the blood of His Son Yahshua be done on Earth as it is in Heaven.

Reserving ALL Natural God-Given Unalienable Birthrights, Waiving None, Ever,

28 USC §1746

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. 28 USC §1746

Signed on this the thirtieth day of the sixth month in the year of our Lord and Savior two thousand ten.



Robert James Fox

**as in U.S. v. Fox, 766 F.Supp. 569,
a winning case that was cited at 18 USCA §1546(a),
a missionary in a Matthew 25 mission
c/o 903-799-5500**